

**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
112843-31

In Re Application Of: **Reniero et al.**

Serial No.
09/936,543

Filing Date
September 10, 2001

Examiner
Unknown

Group Art Unit
Unknown

Title:

LACTIC ACID BACTERIA STRAINS CAPABLE OF PREVENTING DIARRHOEA



TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Transmittal Letter (duplicate); Response to Notification of Missing Requirements; Copy of Notification of Missing Requirements; Executed Declaration; Check in the Amount of \$130.00; and Return Receipt Postcard.

in the above identified application.

- No additional fee is required.
- A check in the amount of **\$130.00** is attached.
- The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **02-1818** as described below. A duplicate copy of this sheet is enclosed.
 - Charge the amount of
 - Credit any overpayment.
 - Charge any additional fee required.

Dated: **December 10, 2001**

Signature

**Robert M. Barrett (30,142)
ATTORNEYS FOR APPLICANTS
Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, Illinois 60690-1135**

I certify that this document and fee is being deposited on **12/10/2001** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Signature of Person Mailing Correspondence

Robert J. Buccieri

Typed or Printed Name of Person Mailing Correspondence

CC:

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CC:

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

1125-B-031

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/936,543

INTERNATIONAL APPLICATION NO. PCT/EP00/01797	INTERNATIONAL FILING DATE 2 March 2000	PRIORITY DATE CLAIMED 11 March 1999
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TITLE OF INVENTION

LACTIC ACID BACTERIA STRAINS CAPABLE OF PREVENTING DIARRHOEA

APPLICANT(S) FOR DO/EO/US

Reniero et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. A **FIRST** preliminary amendment.
16. A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. A substitute specification.
18. A change of power of attorney and/or address letter.
19. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. Certificate of Mailing by Express Mail
23. Other items or information:

Response to Notification of Missing Requirements

**Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office
Return Receipt Postcard**

24. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO	\$1040.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO	\$890.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO	\$740.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)	\$710.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)	\$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). 20 30

\$130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	- 20 =	0	x \$18.00	\$0.00
Independent claims	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	\$0.00

TOTAL OF ABOVE CALCULATIONS =

\$130.00

 Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.

\$0.00

SUBTOTAL = \$130.00Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). 20 30 + \$0.00**TOTAL NATIONAL FEE =** \$130.00Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). \$0.00**TOTAL FEES ENCLOSED =** \$130.00

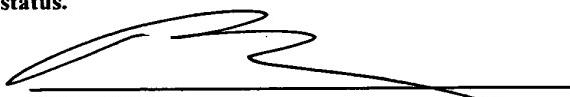
Amount to be: refunded	\$
charged	\$

- a. A check in the amount of \$130.00 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-1818 A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert M. Barrett, Esq.
 Bell, Boyd & Lloyd LLC
 P.O. Box 1135
 Chicago, Illinois 60690-1135
 Tel: (312) 807-4204



SIGNATURE

Robert M. Barrett

NAME

30,142

REGISTRATION NUMBER

December 10, 2001

DATE

Commissioner For Patents, Box PCT, United States Patent and Trademark Office, Washington, D.C. 20231, www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,543	Roberto Reniero	112843-031

Robert M Barrett
Bell Boyd & Lloyd
PO Box 1135
Chicago, IL 60690-1135

DUE: 1/2/02

Date Mailed: 11/02/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

RECEIVED
BELL, BOYD & LLOYD
INTELLECTUAL PROPERTY DOCKET

NOV 09 2001 TK
ATTY: RMB
DOCKET #: 112843-31

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of **\$404** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$534** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$404**
 - **\$80** for 4 independent claims over 3.
 - **\$54** for 6 total claims over 20.
 - **\$270** for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

CHARITTA A BURT

Telephone: (703) 305-3734

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,543	PCT/EP00/01797	112843-031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Reniero et al.
Appl. No.: 09/936,543
Filed: September 10, 2001
Title: LACTIC ACID BACTERIA STRAINS CAPABLE OF PREVENTING
DIARRHOEA
Art Unit: Unknown
Examiner: Unknown
Docket No.: 112843-031

Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

Applicants submit this Response to Notification of Missing Requirements dated November 2, 2001. The Notification states that the above-identified patent application was filed without a signed oath or declaration. Applicants are submitting herewith an executed oath and declaration. Also enclosed is a check for the \$130.00 surcharge. A copy of the Notification is attached hereto.

The Notification also states that additional claim fees of \$404.00 are due. The Patent Office states that these fees are due because there are four (4) independent claims over three (3), six (6) total claims over twenty (20) and multiple dependent claims. Applicants respectfully submit that this is not correct. Applicants refer the Patent Office to the Preliminary Amendment that was filed with this application. Attached hereto is a copy of the postcard indicating the Preliminary Amendment was received by the Patent Office. Pursuant to the Preliminary Amendment, all multiple dependent claims were removed.

The Patent Office's calculation of fees appears to be based on the application prior to the Preliminary Amendment. Applicants do not believe this is proper. Therefore, Applicants do not believe any additional fees are due and owing. However, to the extent any additional are due and

owing in view of this communication, Applicants respectfully request that the fees be charged to Deposit Account No. 02-1818. A duplicate copy of this sheet is enclosed for that purpose.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY _____


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P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4204